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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,268	05/08/2001	Bartosz Balazinski	27950-00491USPT	4008

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EXAMINER	
TANG, KAREN C	

ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/850,268	BALAZINSKI ET AL.	
	Examiner	Art Unit	
	Karen C Tang	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-57 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-57 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 5/9/2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5/8/01, 9/10/04.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

I. Claims 1-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaDue (US 6,185,198) in view of McGregor et al, hereinafter McGregor (US 6,650,887).

1. Referring to Claim 1,

LaDue discloses in Fig 2, 4 and 13, a wireless Debit phone (Pre-Paid service), refer to Col 10, Lines 20-45 for data transmission in the packet data wireless (cellular) telecommunication network. (a mobile station for data transmission in a packet data cellular telecommunication network), refer to Col 5, Lines 24-41. (A method for providing a pre-paid service to a mobile station for data transmission in a packet data cellular telecommunication network)

LaDue discloses a traffic channel are defined as both forward and reverse (connection established) traffic channels for wireless communication network (refer to Col 10, Lines 44-63) between the wireless Debit phone (mobile station) and the communicator/Messaging Center (service node), refer to Col 10, Lines

20-45. (Establishing a connection between the mobile station and a service node in the packet data cellular telecommunication network.)

LaDue discloses a wireless Debit Phone (subscriber) consists information such as data i.e. billing or debit information in a table comprises plurality field of indicators (subscriber account database), refer to Fig 3, and Col 13, Lines 25-60, and Col 18, Lines 60-67 and Messaging Center(MC)/base site (Serving Node) can service received (obtain) the information, he also discloses a remote access application message(RAAM) indicator (Limit Parameter) which is an indictor that would reject a request when the information is obtained, refer to Fig 18, and Col 35, Lines 51-67. (Responsive to the establishment of the connection, obtaining from a subscriber account database at least one pre-paid connection limit parameter indicative of a limit at which the connection must be terminated.) LaDue does not expressly disclose the connection is terminated when the limit is exceed.

LaDue does not expressly disclose the connection must be terminated when the limit is reached.

McGregor disclose the connection is terminated when the limit is reached, refer to Col 2, Lines 35-55.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to terminate the account when the user credit has been exceeded. The suggestion/motivation for doing so would have been that LaDue discloses his invention provides an unique call teardown system which the voice call would terminate it upon command from a remote location so that the

Messaging center would drop the call. He does not expressly indicate why the tear down process would start, however, since his invention is related to the Debit phone, and Debit phone's air-time is depends on the user account, the tear-down feature can be modified so that when the talk time exceed the account balance, the call then be terminated. The benefit is that the providers could easily track users mobile usage and would not over charge the user.

LaDue discloses that MC monitoring the debt account and the time-field/time-stamp, once all the credit has been used, refer to Col 10, Lines 20-45, Col 25, Lines 15-20. (Monitoring at the service node the connection to determine whether the data transmission exceeds the at least one pre-paid connection limit parameter, and if so, terminating the connection.)

LaDue does not expressly disclose the connection is terminated when the limit is exceed.

McGregor disclose the connection is terminated when the limit is reached, refer to Col 2, Lines 35-55.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to terminate the account when the user credit has been exceeded. The suggestion/motivation for doing so would have been that LaDue discloses his invention provides an unique call teardown system which the voice call would terminate it upon command from a remote location so that the Messaging center would drop the call. He does not expressly indicate why the tear down process would start, however, since his invention is related to the Debit phone, and Debit phone's air-time is depends on the user account, the

tear-down feature can be modified so that when the talk time exceed the account balance, the call then be terminated. The benefit is that the providers could easily track users mobile usage and would not over charge the user.

2. Referring to Claims 2, 21 and 40.

LaDue discloses wherein the timer-field (At least one pre-paid connection limit parameter includes a pre-paid connection time limit parameter), refer to Col 13, Lines 25-60.

3. Referring to Claims 3, 22 and 41,

LaDue discloses wherein the timer field (pre-paid connection timer limit parameter), refer to Col 13, Lines 25-60, which indicate the total air-time (Maximum amount of airtime the user can use the Debit Phone) or else the call termination occurs (a parameter indicative of the duration of the connection.) refer to Col 35, Lines 51-67 and Col 24, Lines 1-20. (The pre-paid connection time limit parameter is a parameter indicative of a maximum duration of the connection.)

LaDue does not expressly disclose the connection is terminated when the limit is exceed.

McGregor disclose the connection is terminated when the limit is reached, refer to Col 2, Lines 35-55. Please see Claim 1 for reason.

4. Referring to Claims 4, 23 and 42,

LaDue discloses Fig 4, Col 25, Lines 9-24 wherein monitoring by the Comparative Data Base/Messaging Center (service node), it monitors billing and register/timer voice service request packet data counter fields (real-time metered billing), and debit messaging (at least one current connection parameter), refer to Col 10, Lines 12-25, is performed by comparing a current duration of the connection with the Debit timer field (pre-paid connection time limit parameter.), refer to Col 25, Lines 57-67. (Monitoring of at least one current connection parameter is performed by comparing a current duration of the connection with the pre-paid connection time limit Parameter.)

5. Referring to Claims 5, 24 and 43,

LaDue discloses refer to Fig 4, Col 25, Lines 9-24 wherein the register/timer voice service request packet data counter fields. (At least one pre-paid connection limit parameter, which is a pre-paid connection traffic limit Parameter)

6. Referring to Claims 6, 25 and 44,

LaDue discloses refer to Fig 13, Col 10, Lines 15-25, the Debit phone (pre-paid mobile), used a set of sizes for each indicators in the table/database, refer to Col 21, Lines 25-30. It also discloses a define range of frequency/control channel remote access application messaging indicator (maximum amount of

data that can be transmitted over the connection) to transmit data, refer to Col 14, Lines 60-67 and Col 15, Lines 1 – 3, and Col 21, Lines 25-30, 59-67. Herein, the frequencies relates to the maximum amount of data (bandwidth) that can be transmitted over the connection. (The pre-paid connection traffic limit parameter is a parameter indicative of a maximum amount of data that can be transmitted over the connection.)

7. Referring to Claims 7, 26 and 45,

LaDue discloses, refer to Fig 1B, Col 13, Lines 30-40, transmit data from wireless Debit phone to MC (up-link), the reference also indicate the maximum message that can be transmitted refer to Col 21, Lines 25-30, 59-67. (The pre-paid connection traffic limit parameter limits the amount of data that can be transmitted up-link over the connection.)

8. Referring to Claims 8, 27 and 46,

LaDue discloses, refer to Fig 1B, Col 13, Lines 30-40 wherein the wireless Debit phone (pre-paid) connection traffic limit parameter limits the data message (amount of data that can be transmitted), refer to Col 21, Lines 25-30, 59-67, sent from Messaging Center (MC) sent information to mobile station (down-link), refer to Fig 1D, Col 14, Lines 20-60. (The pre-paid connection traffic limit parameter limits the amount of data that can be transmitted down-link over the connection.)

9. Referring to Claims 9, 28 and 47,

LaDue discloses refer to Fig 14-20, a sets of bit sizes (limits the total amount of data that can be transferred), refer to Col 21, Lines 25-30, 59-67, for each indicator (traffic limit parameter) in the table which consists plurality of indicators, refer to Col 21, Lines 8-35, Col 23, Lines 5-35 and Col 35, Lines 8-25. (The pre-paid connection traffic limit parameter limits the total amount of data that is to be transmitted over the connection.)

10. Referring to Claims 10, 29 and 48,

LaDue discloses the table (database), which consists of plurality of indicators, refer to Fig 14-20, consists of indicator fields which has set size for different indicators (bits, 8 bits =bytes, variable bytes = frames and variable bytes size = packets), refer to Fig 4, 15 and Col 15, Lines 10-20 (VBRAAAM packet choose the appropriate indicator from the table/database), Col 21, Lines 59-67, and Col 33, Lines 9-31. (A quantitative unit of the pre-paid connection traffic limit parameter is selected from a group of quantitative units consisting of: packets, frames, bytes and bits.)

11. Referring to Claims 11, 30 and 49,

LaDue discloses refer to Fig 4, and Col 25, Lines 15-34, wherein the communicator data message packets register/time data counter field (pre-paid connection traffic limit parameter) compare the information in the Comparative database (current amount of data transmitted over the connection, CDB, which

comparing a current amount of data transmitted over the connection with the pre-paid connection traffic limit parameter). (Monitoring of at least one current connection parameter is performed by comparing a current amount of data transmitted over the connection with the pre-paid connection traffic limit parameter.)

12. Referring to Claims 12 and 50

LaDue discloses wherein the connection between the mobile station and the MC (service node) in the PSTN/CMR wireless network, refer to Fig 2 (packet data cellular telecommunication network) is established through a radio channels (radio access network), refer to Col 2, Lines 30-50, and Col 4, Lines 44-50. (The connection between the mobile station and the service node in the packet data cellular telecommunication network is established through a radio access network)

LaDue discloses the connection is a Point-to-point (PPP) connection, refer to Col 29, Lines 52-67. (the connection is a Point-to-point (PPP) connection;)

LaDue discloses the system utilize the packet data wireless (cellular) telecommunication network is an Internet Protocol (IP) network, refer to Col 5, Lines 24-41. (The packet data cellular telecommunication network is an Internet Protocol (IP) network)

LaDue discloses the packet data cellular telecommunication network is accessed via a Service Control Point (SCP = Packet Data Service Node (PDSN)) in a CDMA2000 network, refer to Col 5, Lines 59-67 and Col 6, Lines 1-13, Lines

53-65. (The packet data cellular telecommunication network is accessed via a Packet Data Service Node (PDSN) in a CDMA2000 network)

LaDue discloses the table/database consists of plurality of indicators, refer to Fig 14-20 (subscriber account database) is co-located with a Home Location Register (HLR/Home Locator Register, short for HLR, is also called RADIUS), refer to Col 5, Lines 42-67 and Col 6, Lines 53-67. (The subscriber account database is co-located with a RADIUS)

13. Referring to Claim 31,

LaDue discloses the MC (service node) manages the connection between the mobile station and the PSTN/CMR wireless network (packet data cellular telecommunication network), refer to Fig 2, Col 4, Lines 44-50. (the service node manages the connection between the mobile station and the packet data cellular telecommunication network)

LaDue discloses the connection is a Point-to-point (PPP) connection, refer to Col 29, Lines 52-67. (the connection is a Point-to-point (PPP) connection)

LaDue discloses the system utilize the packet data wireless (cellular) telecommunication network is an Internet Protocol (IP) network, refer to Col 5, Lines 24-41. (the packet data cellular telecommunication network is an Internet Protocol (1P) network)

LaDue discloses the packet data cellular telecommunication network is accessed via a Service Control Point (SCP = Packet Data Service Node (PDSN)) in a CDMA (CDMA2000) network, refer to Col 5, Lines 59-67 and Col 6, Lines 1-

13, Lines 53-65. (the packet data cellular telecommunication network is accessed via a Packet Data Service Node (PDSN) in a CDMA2000 network)

LaDue discloses refer to Fig 14-20, table consists of plurality of indicators, (the subscriber account database) which is co-located with a Home Location Register (HLR, Home Locator Register, also a RADIUS). (the subscriber account database is co-located with a RADIUS)

14. Referring to Claims 13, 32 and 51,

LaDue discloses refer to Fig 14-20 the table consist of plurality of indictors (limited parameters), which is co-located with a Home Location Register (HLR, Home Locator Register, also a DIAMETER server). (The subscriber account database is co-located with a DIAMETER server.)

15. Referring to Claims 14, 33 and 52,

LaDue discloses Fig 14-20, and Col 25, Lines 10-47, wherein the table consists pluarity of indicators/limit parameters (subscriber account database), located in a Cellular network (remote node in the packet data cellular telecommunication). (Subscriber account database is located in a remote node in the packet data cellular telecommunication network.)

16. Referring to Claims 15, 34 and 53,

LaDue discloses refer to Fig 18, Col 35, Lines 50-67, and Col 36, Lines 1-36, wherein before the depleted of credit (before exceeding of the at least one

pre-paid connection limit parameter), the mobile station received a message of whether or not the user wants to increase the credit. (Increases the value of said at least one pre-paid connection limit parameter.) (Before the exceeding of the at least one pre-paid connection limit parameter, the mobile station increases the value of said at least one pre-paid connection limit parameter.)

17. Referring to Claims 16, 35 and 54,

LaDue discloses refer to Col 15, Lines 24-8 and Col 25, Lines 34-47 wherein the mobile station increases the value of said at least one pre-paid connection limit parameter via a World Wild Web (WWW/web site). (The mobile station increases the value of said at least one pre-paid connection limit parameter via a web site.)

18, Referring to Claims 17, 18, 36, 37, 55, and 56,

LaDue discloses wherein the mobile station increases the value, refer to Col 25, Lines 35-50, timer-indicator (said at least one pre-paid connection limit parameter) by selecting via a LCD interface (graphical user interface one of a predefined additional amount of data), which can be transmitted over the connection and a predefined additional amount of time for which the connection can be maintained, refer to Fig 10, Col 29, Lines 42-60. (The mobile station increases the value of said at least one pre-paid connection limit parameter by selecting via a graphical user interface one of a predefined additional amount of

data which can be transmitted over the connection and a predefined additional amount of time for which the connection can be maintained.)

19, Referring to Claims 19, 38 and 57,

LaDue discloses wherein the debit phone user (mobile station) is notified when a remote access application message indicator (predefined value of the at least one pre-paid connection limit parameter) is attained, refer to Fig 1C and Col 13, Lines 35-60. (The mobile station is notified when a predefined value of the at least one pre-paid connection limit parameter is attained.)

20. Referring to Claim 20,

LaDue discloses refer to Fig 14-20, a communicator (Pre-Paid Mobile station) consists a table consists of plurality of indicators, (account database), refer to Col 10, Lines 20-30, and Col 25, Lines 10-47. (providing a pre-paid connection service for a mobile station in a packet data cellular a subscriber account database for storing for the mobile station, at least one pre-paid connection limit parameter)

LaDue discloses refer to Fig 1A, Col 11, Lines 30-35, and Col 13, Lines 25-60, a Messaging Center (MC, a service node) for verified/rejecting (supporting the establishment of a connection) information between the mobile station and the packet data cellular telecommunication network. (a service node for supporting the establishment of a connection between the mobile station and the packet data cellular telecommunication network)

LaDue discloses obtaining from the table consists of plurality of indicators/limit parameters (account database) such as timer-field (at least one pre-paid connection limit parameter), refer to Fig 13-20, and Col 13, Lines 25-60, and Col 25, Lines 10-47. (obtaining one pre-paid connection limit parameter)

LaDue discloses, refer to Col 10, Lines 20-45, Col 25, Lines 15-20 that MC monitoring the debt account and the time-field/time-stamp, refer to Col 10, Lines 20-45. (during the connection, determining whether the data transmission exceeds the at least one pre-paid connection limit parameter and if so, terminating the connection.)

LaDue does not expressly disclose the connection is terminated when the limit is exceeded. Please refer to Claim 1 for reasons.

21. Referring to Claim 39,

LaDue discloses refer to Fig 12 and Col 7, Lines 34-40, Col 10, Lines 12-45, Col 29, Lines 62-67 and Col 30, Lines 1-5. a Massaging Center (service node) for monitoring a PPP (Point to Point Protocol) connection between a mobile station sent a predetermined message (transmitting data) and a cellar market messages (packet data cellular telecommunication network). (A service node for monitoring a PPP connection between a mobile station transmitting data and a packet data cellular telecommunication network)

LaDue discloses the service node comprising: a PPP stack, (activated upon an establishment of the PPP connection) between the mobile station and the packet data telecommunication network. It is inherited that once there is a

PPP connection established between two called parties, then there is a PPP stack existed in the network. (PPP stack, activated upon an establishment of the PPP connection between the mobile station and the packet data telecommunication network)

LaDue discloses refer to Fig 3, and Col 25, Lines 10-47, a table (memory) consists of plurality of indicators/limit parameters (at least one pre-paid connection limit parameter). (a memory for storing at least one pre-paid connection limit parameter)

LaDue discloses refer to Fig 4, Col 25, Lines 15-30, an Comparative data base (CDB) which the timer-indicator compared with the previously received origination/registration RSE packet, data and time-date-stamping, and register/timer data reveals that the account has been updated (at least one pre-paid connection limit parameter), refer to Col 4, Lines 30-45 and Col 5, Lines, timer-field, refer to Col 35, Lines 51-67. LaDue discloses in Fig 1E and Col 15, Lines 65-67 and Col 16, Lines 1-15, a PDA which has processor. (a processor for comparing the transmitted data with the at least one pre-paid connection limit parameter, the processor terminates the PPP connection if the transmitted data exceeds the at least one pre-paid connection limit parameter)

LaDue discloses the information is processed by the Messaging Center refer to Col 5, Lines 42-55. LaDue discloses the uses of Hardware and Software, refer to Col 5, Lines 24-41.

LaDue does not expressly disclose the connection is terminated when the limit is exceeded. Please refer to Claim 1 for reasons.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. 6,697,751 (Skingsley et al. discloses an apparatus for assessing communication equipment.)

U.S. 6,665,303 (Saito et al. discloses scheme for realizing communications through external network from contents processing device connected to local network in home environment.)

U.S. 6,798,751 (Voit et al. discloses customer premises equipment for vertical service integration.)

U.S 6,601,127 (Nomura et al. discloses communication control apparatus and method, communication system, and program storage medium.)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571)272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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AMINER